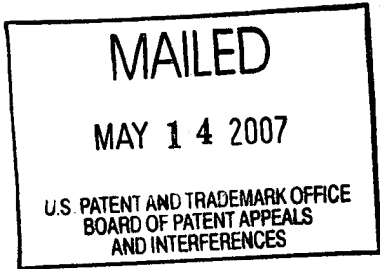


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CRAIG L. OGG and WILLIAM W. CHOW

Application 09/690,083

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on March 16, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The Examiner's Answer mailed on March 3, 2006, stated under the Evidence Relied Upon section, page 2, that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that prior art was applied in the statement of rejections in the Grounds of Rejection section, page 3, of the Examiner's Answer.

The Manual of Patent Examining Procedure, (MPEP), in §1207.02 states:

(8) Evidence Relied Upon. The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

Before further review, the examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. Appropriate correction is required.

Further, Information Disclosure Statements (IDS) were filed August 4, 2003 and May 9, 2005. It is not apparent from the record that the examiner considered the statements submitted nor notified applicants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner to:


1) issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, heading (8) of the Examiner's Answer;

Application No. 09/690,083

2) for consideration of the Information Disclosure Statements filed
August 4, 2003 and May 9, 2005; and

3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/gjh

CHRISTIE, PARKER & HALE, LLP
P.O. BOX 7068
PASADENA, CA 91109-7068